

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.) No. 08-03340-CV-S-MDH
)
)
LUIS VAZQUES,)
)
Defendant.)

ORDER

Before the Court is a Motion filed by Defendant personally. (Doc. 93.) In his motion, Defendant states that he “is being held illegally incarcerated” and asks this Court “to quash the civil commitment.” *Id.* This action has been referred to the undersigned for processing and handling. Upon review, the Motion will be denied without prejudice as unauthorized by law.

Defendant is presently confined at the Medical Center for Federal Prisoners in Springfield, Missouri, pursuant to an order of commitment under 18 U.S.C. § 4246. (Doc. 14.) Therefore, by law, Defendant is not authorized to personally file a motion to determine whether he should be released. *See United States v. O'Laughlin*, 934 F.3d 840, 841 (8th Cir. 2019) (Section 4247(h) requires that “motions for release from civil commitment be filed by an attorney or legal guardian for the committed person”) *cert. denied*, 140 S.Ct. 2535 (Mar. 23, 2020). Here, the Motion is filed by Defendant only, and not filed by his attorney or legal guardian. Notably, an attorney has been appointed to represent Defendant in this action, who may file a motion requesting his release, if appropriate. (Doc. 85.)

Therefore, the pro se Motion (doc. 93) is **DENIED** without prejudice. Any motion to the Court must be made by and through Defendant's attorney. The Clerk's Office is directed to send a copy of this Order to Defendant via regular mail.

IT IS SO ORDERED.

/s/ David P. Rush _____
DAVID P. RUSH
UNITED STATES MAGISTRATE JUDGE

DATE: August 16, 2021